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Theodore P. Cummings 40,973  
Name of Attorney/Agent Registration No.  
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TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
RESPONSE/AMENDMENT

Case Docket No. 8363M

Box Non-Fee Amendment  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Inventor(s): Mary Carmen Gasco, et al. Confirmation No. 7279  
Serial No.: 10/010,818 ✓ Group Art Unit: 3727  
Date Filed: 12/6/2001 Examiner: S. J. Castellano  
Title: A SHAPED CONTAINER BOTTOM

No additional fee is known to be required.

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	* 21	MINUS	** 21		x \$18. =	0
INDEP.	* 3	MINUS	*** 3	=	x \$84 =	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$280 =	\$
					TOTAL	\$0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.


\*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

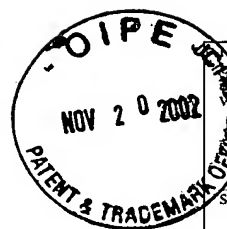
The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.

- a. ☒ Any patent application processing fees under 37 CFR §1.16.  
b. ☒ Any patent application processing fees under 37 CFR §1.17.

The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

  
Theodore P. Cummings  
Attorney or Agent for Applicant(s)  
Registration No. 40,973  
Tel. No. (513) 634-1906

November 15, 2002  
Customer No. 27752



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\_\_\_\_\_  
Name of Attorney Registration No. 40,095

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TECHNOLOGY CENTER R3700

P&G Case No. 8363M

R. Kent  
11/26/02  
#10 / Request  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
MARY CARMEN GASCO, ET AL. :  
Serial No. 10/010,818 ✓ : Group Art Unit: 3727  
Filed: December 6, 2001 : Examiner: S. J. Castellano  
For A SHAPED CONTAINER BOTTOM

RESPONSE TO THE OFFICE ACTION DATED OCTOBER 17, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Dear Sir:

This response answers the office action dated October 17, 2002.

REMARKS

Objections to the Drawings

Applicants note the Examiner's objections to the drawings. Applicants will correct and amend the drawings once patentable subject matter has been ascertained.

35 U.S.C. § 102 Rejection

Claims 1-7 and 10-20 stand rejected under 35 U.S.C. § 102(e) as being *clearly* anticipated by Sagan, et al. (U.S. Patent No. 6,042,856). [Emphasis added].

Applicants respectfully point out that the Examiner has not provided a proper rejection to Claims 1-7 and 10-20 under 35 U.S.C. § 102(e). First, the Examiner has pointed to nothing within Sagan '856 that would warrant a 35 U.S.C. § 102(e) rejection. Furthermore, although the Examiner states only that Sagan '856 is clearly anticipatory, the Examiner does not clearly point out that which is the basis of anticipation within Sagan '856.

37 C.F.R. § 1.104(c)(2) points out that the pertinence of a reference, if not apparent, must be clearly explained and each rejected claim specified. The Examiner has failed to clearly explain why Sagan '856 is so clearly anticipatory. Applicants respectfully assert that Sagan '856 does not apparently show anticipation under 35 U.S.C. § 102(e) especially when one considers that Sagan '856 provides a mere tray for holding shrimp in a circular array rather than in a stacked formation, each on top of another as in Applicants' stacked snack chips.